

Editorial

IU Law Students Clamor for an International Human Rights Clinic

By Perfecto Caparas

In December 2007, J.D. candidate Jhon Sanchez flew to Panama to establish contacts with local nongovernmental organizations. While there, he met people who gave him precious information and contacts. In fact, Jhon's contacts gave him extremely valuable information that in March the following year, independent experts of the United Nations Human Rights Committee gladly received the evidence Jhon and his team of shadow reporters—IU Law-Indianapolis students—submitted and presented during their sessions at the UN New York Headquarters. The Committee's concluding observations relied heavily and exclusively, it seems, on Jhon's and his team's shadow report that was replete with firsthand evidence from Panama's indigenous people.

The affidavits signed by Leonides Quiroz, coordinator of the Negotiation Commission for the Wounaan Land of the Wounaan Tribe Congress, helped prove Panama's violation of the indigenous people's human rights guaranteed under the International Covenant on Civil and Political Rights.

On August 15, Leonides visited the Law School and personally met Jhon. An exuberant Leonides shook hands with Jhon, warmly embraced him, and expressed his appreciation to Jhon and the students for internationalizing Panama's wanton neglect of the plight of the Wounaan tribe, to which Leonides belonged.

At the UN New York Headquarters, Jhon's fellow shadow reporter, Megan Alvarez, J.D., met Alfredo Castillero Hoyos, a prominent former Committee member. Alfredo facilitated Megan's internship placement in Panama in Summer 2008, marking the first time that the Program in International Human Rights Law has placed an intern in that country.

This story illustrates how IU Law-Indianapolis students are trailblazing in the exciting yet arduous path of human rights monitoring and enforcement in the international plane virtually on their own.

They show to all and sundry that the Law School needs to assume a proactive and visionary leadership in human rights promotion and defense.

IU Law's record success in UN shadow reporting emerged not by institutional purpose or design, but by the sheer commitment of students to defend human rights through shadow reporting. They kept pressing on, and again, embarked in Fall 2008, on two more projects, on Australia and Chad, despite the inexistence of a centralized, well-defined, and adequately equipped mechanism and system to help them with their pioneering human rights initiatives.

It is in this light that the Law School needs to establish an International Human Rights Clinic that will orient, train, and guide students on UN shadow reporting on a regular, sustained, and long-term basis. The reasons for this are the following: first, UN shadow reporting serves as an



important weapon in closing the gap between human rights treaties and their nonobservance in practice; second, UN shadow reporting helps develop practically all essential lawyerly skills among students; and third, students need to know by heart how to apply the international human rights law framework in various capacities as the paradigm of discourse among global leaders. Increasingly, the international human rights law framework is becoming the paradigm of discourse of international players in tackling pressing challenges, ranging from genocide to climate change.

Those who sincerely promote human rights should support efforts—in terms of actual deeds—to establish a Law Clinic as a means to empower students to assist individuals and groups to claim and fight for their inherent dignity and human rights.

The *raison d'être* for IU Law's various clinics, e.g., Disability Clinic, Immigration Clinic, Civil Practice Clinic, and Criminal Defense Clinic, applies to an International Human Rights Law Clinic in both national and international contexts.

What sets it apart, however, is that an International Human Rights Clinic trains and empowers students to engage in the strategic and high-impact UN human rights monitoring and enforcement mechanism, that involves groups, sectors, and communities of individuals in the U.S. and overseas, with strong potentials for policy and legislative reform, among others.

In the process of operating the Law Clinic, students will become proficient in analyzing, making

decisions, and taking actions on country conditions and NGOs' human rights intervention capabilities vis-à-vis the UN system, liaising and forging partnerships with overseas human rights defenders, research, evidence-analysis, application of treaty provisions to facts and evidence, writing reports, making oral presentations during closed-door sessions by certain UN human rights treaty bodies, networking and collaboration with international organizations and institutions, empowering NGOs to participate in the UN human rights mechanisms, and engaging in media advocacy, among others.

The Clinic will narrow down the gap between the classroom and the real world. While students learn concepts, principles, procedures, and systems in class, translating their knowledge into legal skills and capacities by means of actual doing can be achieved through a clinical program.

An International Human Rights Clinic will be instrumental in empowering students to engage in real life human rights defense and high-impact research and scholarship in a proactive sense. This Clinic will equip them with various capacities to prepare them in dealing with emerging global human rights challenges as future lawyers and leaders.

How does a clinical program to develop international human rights lawyers, scholars, and defenders sound?



IU Law-Indianapolis student Edye Taylor (foreground) articulates the findings and recommendations of the IU Law-Indianapolis delegation before members of the United Nations Human Rights Committee concerning Zambia's duty to respect, protect, and fulfill press freedom under the International Covenant on Civil and Political Rights during a closed-door session in Geneva in July 2007. (Photo: PC)